

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10 cr 64-3**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>JOSE GUADALUPE MIRANDA,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr style="width:50%; margin-left:0"/>	)	

**THIS MATTER** coming on before the undersigned, pursuant to a motion filed by John M. Olesiuk, attorney for defendant entitled “Motion for Status of Counsel Hearing and Motion for Continuance” (#20). At the call of this matter on for hearing it appeared that defendant was present and Mr. Olesiuk was present and the government was present and represented by Assistant United States Attorney Tom Kent. It appeared that the defendant had retained Mr. Olesiuk and had now determined to retain Calvin E. Coleman to represent him and to relieve Mr. Olesiuk of any further responsibility in the matter. Mr. Coleman has made an appearance in this matter and will be representing defendant. For such good cause, the motion of Mr. Olesiuk requesting a review of the status of counsel will be allowed and Mr. Olesiuk will be allowed to withdraw as attorney for defendant.

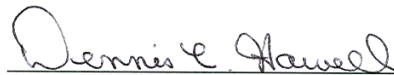
In regard to the motion for continuance, this motion will be denied by the undersigned. The district court has jurisdiction over such matters and any motion to

continue will need to be presented to the district court.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the motion entitled “Motion for Status of Counsel Hearing and Motion for Continuance” (#20) is hereby **ALLOWED** in part and **DENIED** in part. Mr. Olesiuk will be **ALLOWED** to withdraw as counsel for defendant for the reason that defendant has now retained Calvin E. Coleman to represent him in this matter. The portion of the motion requesting a continuance of the trial of this matter will be **DENIED** without prejudice subject to a motion properly presented to the district court.

Signed: January 4, 2011

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Dennis L. Howell  
United States Magistrate Judge

